

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE: ZIMMER NEXGEN KNEE)	
IMPLANT PRODUCTS LIABILITY)	MDL NO. 2272
LITIGATION)	
)	
This Document Relates to the)	Master Docket Case No. 1:11-cv-05468
Below Listed Cases)	
)	Honorable Rebecca Pallmeyer

William A. Quade v. Zimmer, Inc., et al., 1:11-cv-07272
Donald C. Waterman v. Zimmer, Inc., et al., 1:11-cv-06097
Robert Carr v. Zimmer, Inc., et al., 1:11-cv-00974

**MOTION TO WITHDRAW MOTION FOR
SUGGESTION OF REMAND AS TO SPECIFIC CASES**

The Zimmer Entities¹ respectfully move the Court to grant them leave to withdraw their Motion For Suggestion Of Remand, Dkt. 237, without prejudice, as to the above listed cases. In support of their motion, the Zimmer Entities state as follows:

1. On January 18, 2012, counsel for the Zimmer Entities, Andrea Pierson, sent correspondence to counsel for the plaintiffs in each of the above-listed cases ("Plaintiffs") informing them that the Zimmer Entities intended to file a Motion For Suggestion Of Remand ("Motion") as to their case and requesting that they contact counsel for the Zimmer Entities if they wished to confer regarding the Motion. A true and correct copy of the correspondence is attached as Exhibit A.

2. The Zimmer Entities filed the Motion on February 10, 2012.

¹ For purposes of this stipulation, "Zimmer Entities" includes the following defendants in this action: Zimmer, Inc., Zimmer Holdings, Inc., Zimmer Surgical, Inc., f/k/a Zimmer Orthopaedic Surgical Products, Inc., Wilson/Phillips Holdings, Inc., d/b/a Zimmer Wilson/Phillips, Orthopaedic Technologies, LLC, d/b/a Zimmer Tri-State (incorrectly named as (1) Zimmer Tri-State d/b/a Tri-State Orthopaedic, (2) Zimmer Tri-State d/b/a Zimmer, Inc., and/or (3) Zimmer Tri-State d/b/a Tri-State Orthopedic), K. Michael Melia, d/b/a Zimmer Melia & Associates, Inc. (incorrectly named as Zimmer Melia & Associates, Inc.), Zimmer Orthobiologics, Inc., and Zimmer US, Inc.

3. No counsel for Plaintiffs contacted counsel for the Zimmer Entities to confer regarding the Motion prior to its filing.

4. The Zimmer Entities used the information provided by Plaintiffs or obtained by the Zimmer Entities through February 10, 2012, as the basis for the Motion.

5. The responses to the Motion filed by Plaintiffs provided new evidence concerning the medical history of Plaintiffs unknown to the Zimmer Entities at the time they filed the Motion.

6. The new evidence provided by Plaintiffs indicates that the above-listed cases may not be appropriate for remand to their originating jurisdiction.

7. Additional discovery regarding the medical histories of Plaintiffs or further developments in MDL No. 2272, including the eventual need to remand the above listed cases for trial, may make a suggestion of remand appropriate for these cases at a later date.

8. No prejudice to Plaintiffs will occur by the Zimmer Entities' withdrawal of the Motion.

WHEREFORE, the Zimmer Entities respectfully move the Court to grant them leave to withdraw their Motion For Suggestion Of Remand as to the above-listed cases without prejudice to refile at a later date, and grant all other appropriate relief.

Respectfully submitted,

FAEGRE BAKER DANIELS LLP

/s/ Joseph H. Yeager, Jr.

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CERTIFICATE OF SERVICE

I certify that on May 14, 2012, a copy of the foregoing Motion To Withdraw Motion For Suggestion Of Remand As To Specific Cases was filed electronically. Parties may access this filing through the Court's ECF/CFM system.

/s/ Joseph H. Yeager, Jr.